

In the Matter Of:

SONY MUSIC vs COX COMMUNICATIONS

1:18-cv-00950-LO-JFA

RANDALL J. CADENHEAD, ESQUIRE

June 04, 2019

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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

SONY MUSIC ENTERTAINMENT, et al.)
Plaintiffs,) Case No.
1:18-cv-00950-
LO-JFA
vs.)
COX COMMUNICATIONS, INC., et al.)
Defendants.)
-----)

VIDEOTAPE DEPOSITION OF
RANDALL J. CADENHEAD, ESQUIRE

Tuesday, June 4, 2019, 9:08 a.m.

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Certified Shorthand Reporter/Notary Public

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ALSO PRESENT:

TODD PARKER, Videographer

1 A No, I don't. Let's go on.

2 Q Okay. And did you create the slides, at
3 least 8 to 22?

4 A Yeah, I think I did pretty much. Yeah.

5 Q And did you present this to the, to the
6 participants, or those who were involved in the CAS
7 discussions?

8 A Yeah. If this is the same one, then, yes,
9 I did present it, yes.

10 Q Well, do these look like slides you
11 presented?

12 A It does. I mean once we get to 8, and --
13 I don't know. I'm looking at 22 and that sort of
14 looks like it got cut off before some closing slide.

15 But let's go ahead because you probably
16 just got specific questions and I'd love to answer
17 them.

18 Q Why did you give this presentation, do you
19 recall?

20 A I do. I volunteered in conversations with
21 all the folks that were pulling the group together,
22 because I felt like we had a pretty good example of
23 one way that, that ISPs could respond fairly, and
24 what we felt was effectively, to a problem that
25 needed addressing and that would go at least a long

1 way towards helping the people in the content
2 industry.

3 Q And in this presentation you described
4 that -- Cox's graduated steps on Page 12; is that
5 correct?

6 A Right.

7 Q And you described that there were 12 plus
8 steps prior to a potential termination. Is that
9 correct?

10 A Well, no. Actually, what it does say --
11 it has two versions, with email and without. And
12 what it says is that at the 12 plus, termination,
13 which it then says subject to abuse, which is that
14 Abuse Safety Group, override.

15 So that's the footnote that's on the page.
16 So that's what it says.

17 Q So what you presented to the group was
18 that Cox had a system where it wouldn't consider
19 terminating a repeat infringer until at least the
20 twelfth step, correct? Twelfth infringement notice,
21 correct?

22 A You know, that was the policy.

23 I never understood Cox to, to say that it
24 wouldn't terminate somebody short of that, if
25 circumstances called for it.